



UNITED STATES DISTRICT COURT  
 DISTRICT OF NEVADA

JOHN COLWELL,

Plaintiff,

vs

ROBERT BANNISTER, et al.,

Defendants.

3:10-CV-00669-LRH-RAM

ORDER

This is a civil rights action brought *pro se* by John Colwell, a prisoner at the Nevada State Prison in Carson City, Nevada. Plaintiff has filed an application to proceed *in forma pauperis* (dockets #1) and has submitted a civil rights complaint and various motions.

Based on the information regarding plaintiff's financial status in the Application to Proceed *in Forma Pauperis*, the Court will grant plaintiff leave to proceed *in forma pauperis*, but will require plaintiff to pay an initial installment of the filing fee pursuant to 28 U.S.C. §1915.

The grant of *in forma pauperis* status adjusts the amount of the filing fee that plaintiff must *prepay* -- plaintiff will be required to prepay an initial installment of \$5.00, instead of having to prepay the full \$350 filing fee for this action. The entire \$350 filing fee will, however, remain due from plaintiff, and the institution where plaintiff is incarcerated will collect money toward the payment of the full filing fee when petitioner's institutional account has a sufficient balance, pursuant to 28 U.S.C. §1915. The entire \$350 filing fee will remain due and payable, and will be collected from plaintiff's institutional account regardless of the outcome of this action.

1           **IT IS THEREFORE ORDERED** that plaintiff's application to proceed *in forma*  
2 *pauperis* (docket #1) is **GRANTED**. Plaintiff John Colwell, **Inmate No. 33742**, will be permitted to  
3 maintain this action to conclusion without prepayment of the full filing fee. However, plaintiff must pay  
4 an initial installment of the filing fee in the amount of **\$5.00**. Plaintiff will not be required to pay fees  
5 or costs, other than the filing fee, or give security therefor. This Order granting *in forma pauperis* status  
6 shall not extend to the issuance and service of subpoenas at government expense.

7           **IT IS FURTHER ORDERED** that, even if this action is dismissed, or is otherwise  
8 unsuccessful, the full filing fee shall still be due, pursuant to 28 U.S.C. §1915, as amended by the  
9 Prisoner Litigation Reform Act of 1996.

10           **IT IS FURTHER ORDERED** that plaintiff shall have **thirty (30) days** from the date  
11 of entry of this order to have the initial installment of the filing fee, in the amount stated above, sent to  
12 the Clerk in the manner described below. Failure to do so may result in the dismissal of this action.

13           **IT IS FURTHER ORDERED** that the Clerk shall **SEND** plaintiff two copies of this  
14 Order. Plaintiff must make the necessary arrangements to have one copy of this Order, attached to a  
15 check in the amount of the initial installment of the filing fee, sent to the Court, by sending a copy of the  
16 Order with a "brass slip" to Inmate Services for issuance of the check.

17           **IT IS FURTHER ORDERED** that, pursuant to 28 U.S.C. §1915, as amended by the  
18 Prisoner Litigation Reform Act of 1996, the Nevada Department of Corrections shall pay the Clerk of  
19 the United States District Court, District of Nevada, 20% of the preceding month's deposits to plaintiff's  
20 account (in months that the account exceeds \$10.00), until the full \$350 filing fee has been paid for this  
21 action. **The Clerk shall send a copy of this order to Albert G. Peralta, Chief of Inmate Services,**  
22 **Nevada Department of Prisons, P.O. Box 7011, Carson City, NV 89702.**

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1                   **IT IS FURTHER ORDERED** that, even if this action is dismissed, or is otherwise  
2 unsuccessful, the full filing fee shall still be due, pursuant to 28 U.S.C. §1915, as amended by the  
3 Prisoner Litigation Reform Act of 1996.

4                   DATED: December 16, 2010.

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8 UNITED STATES MAGISTRATE JUDGE  
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